

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at WINCHESTER**

BROOK LEE WHITAKER,

*Petitioner,*

v.

TRINITY MINTER, Warden,

*Respondent.*

No. 4:15-cv-02-HSM-WBC

and

BROOK LEE WHITAKER,

*Petitioner,*

v.

TRINITY MINTER, Warden,

*Respondent.*

No. 4:15-cv-10-HSM-WBC

**MEMORANDUM and ORDER**

Brook Lee Whitaker, a state prisoner, filed a *pro se* petition for a writ of habeas corpus, 28 U.S.C. § 2254, in the Middle District of Tennessee, challenging her 2009 Bedford County, Tennessee conviction for rape. The petition was transferred to the United States District Court of the Eastern District of Tennessee, Winchester Division. However, the petition was inadvertently opened as two cases, rather than one. And, oddly enough, one petition was opened in the Greenville Division then transferred to the Winchester Division. At this point, though there are two separate, pending cases,

there is but one petition.

Therefore, because the record is more fully developed in the later-opened case, (*Whitaker v. Minter*, No. 4:15-cv-10), the first case which was opened, (*Whitaker v. Minter*, No. 4:15-cv-02) is **DISMISSED without prejudice**. Obviously, respondent need not file an answer or other response to the petition in Case No. 4:15-cv-02.

**ENTER:**

/s/ Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE